

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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KIMBERLY RADFORD,

Plaintiff,

v.

CASE NO: 14-CV-10831-DT

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND REQUIRING CERTAIN ACTION**

This matter is before the court on cross motions for summary judgment. The case was referred to United States Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on December 1, 2014, recommending that the court deny Plaintiff's motion for summary judgment, and grant Defendant's motion for summary judgment. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), and thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this order.

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<sup>1</sup> The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

It appears to the court, as highlighted by the Magistrate Judge, that Plaintiff's attorney, Richard J. Doud, utterly failed to individualize arguments on behalf of his client, and effectively forfeited his ability to argue whatever merit there may have been in Plaintiff's claim. (See R&R at 9, noting that Plaintiff's attorney "ignored the reasons articulated by the ALJ . . . and does not cite medical evidence that the ALJ failed to properly consider.")

Mr. Doud seems to have essentially abandoned Radford and submitted an irrelevant brief generated in some earlier case. The briefing presented is careless; it is not professionally competent. Mr. Doud has been cautioned by Chief Judge Rosen, as explained by the Magistrate Judge, about such conduct. (*Id.* at 8.) In light of Mr. Doud's persistent behavior after such warnings, he shall be ordered to provide a printed copy of the Magistrate Judge's R&R, and a copy of this order, to his client, and to thereafter file a statement under oath that he has personally accomplished such delivery. Accordingly,

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's report and recommendation, the Plaintiff's motion for summary judgment is DENIED and defendant's motion for summary judgment is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's attorney, Richard J. Doud, must file a statement by **March 20, 2015**, made under oath, that he has personally delivered to Plaintiff Kimberly Radford (1) a printed copy of the Magistrate Judge's report and recommendation, (2) a printed copy of this order, and (3) a written cover letter or memorandum to Ms. Radford that contains the following statement printed in at least 13-point font:

“Your case has been dismissed. I have been ordered by the court to deliver the court orders to you. The court also ordered me to tell you that you should carefully read 1) the Magistrate Judge’s report and recommendation and 2) the order of the District Court accepting the recommendation and commenting on the case that I presented to the court on your behalf.”

A copy of the cover letter or memorandum must be attached to the statement he files.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: March 6, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 6, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522